IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 843 OF 2005

Arya Samaj Mumbai & Ors. .. Petitioners

V/s

State of Maharashtra & Ors. .. Respondents

Mr.Karim Vakil for the Petitioners.

Mr.Pradeep Jadhav, A.G.P. for the Respondents.

CORAM : H.L. GOKHALE &
S.C. DHARMADHIKARI, JJ.

DATE : 4TH APRIL 2005

P.C. :

1. Heard Mr.Vakil for the Petitioners and Mr.Jadhav, A.G.P. for the Respondents.

2. Rule. Rule is made returnable forthwith.

3. The 1st Petitioner herein is Arya Samaj Mumbai, which is a society registered under the Societies Registration Act. It has been issued notices with respect to its branches at Mulund and Girgaon conducting and performing marriages. Those notices are issued by Respondents Nos.2 and 3 cancelling the authority of the Petitioners on the ground that they are allegedly misusing their authority in that behalf. Petition points out that there is no substance therein. That apart, in para 5 of the petition it has been

specifically stated that after the marriage is solemnised in the Samaj, the person concerned has to take the certificate of registration from the authorities of the State Government.

4. This being the position, in our view, there is no reason to issue the two impugned notices with respect to these two branches dated 3rd March 2005. The actions taken by the Respondents are with a view to curb the malpractice by spurious marriage bureaus. The Respondents must understand, at the same time, that they cannot proceed against the institutions, which are existing for years together, like the Petitioners and for whom there is a separate Act passed under which they are functioning.

5. In the circumstances, we make the rule absolute in terms of prayer (a) though we do not make any order as to costs.

(H.L. GOKHALE, J.)

(S.C. DHARMADHIKARI, J.)